

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DONNY SINKOV, as Administrator of the Estate of Docket No.: 07-CIV-2866  
Spencer E. Sinkov, deceased, DONNY A. SINKOV, and (CLB)  
HARA SINKOV,

Plaintiffs,

-against-

**DECLARATION OF  
TIMOTHY P. COON  
IN SUPPORT OF  
DEFENDANT AMERICOR'S**

DONALD B. SMITH, individually and in his official capacity as Sheriff of Putnam County, JOSPEH A. VASATURO, individually, LOUIS G. LAPOLLA, individually, THE COUNTY OF PUTNAM, New York, and AMERICOR, INC.,

**MOTION FOR  
SUMMARY JUDGMENT**

Defendants.

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**TIMOTHY P. COON**, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms, under penalty of perjury, the following:

1. I am a member of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, ("Wilson Elser") attorneys for the Defendant AmeriCor, Inc. in this matter. As such, I am fully familiar with the facts and circumstances herein based on personal knowledge and the file maintained by this office.

2. I submit this declaration in connection with the defendant's reply in response to plaintiffs' opposition to AmeriCor's motion pursuant to Fed. R. Civ. P. 12 (c) and 56 seeking to dismiss the plaintiffs' complaint against AmeriCor, Inc. in its entirety.

3. The attached exhibit is a true and accurate copy of what it purports to be.  
Exhibit A A copy of the Saint Vincent's Hospital Nutritional Assessment of Spenser Sinkov dated September 4, 2005.

Dated: White Plains, New York  
June 13, 2008



TIMOTHY P. COON (TC 3357)



Saint Vincent Catholic Medical Centers  
St. Vincent's Hospital Westchester  
NUTRITION ASSESSMENT AND CARE PLAN

SINKOV, SPENCER

Assessment Date: 09/04/2005

By: Debbie Rosenberg MS RD ESOF

MR#: 138710-1

Program: INPT-2S

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Age: 22

Sex: MALE

**REASON FOR INTERVENTION**

Nutrition Consult: unintentional wt loss, poor po intake

**DIAGNOSIS**

Opioid dependence, major depression, single episode

**PAST MEDICAL HISTORY**

none

**PERTINENT NUTRITIONAL DATA**

Current Intake: Needs further observation

Current Diet: Vegetarian

Diet Prior to Admission: Regular

Menu Changes/Food Preferences:

Pt is a vegetarian. He does eat eggs and dairy.

Ht: 6'1" Wt: 125 lbs

IBW: 184 +/-10% %IBW: 75% % wt/ht/age: n/a

UBW: 145-150 %UBW: 89-83% Adj. BW: n/a

BMI: 16 kg/m2

Recent Wt. Change: Loss 20-25 lbs

Pertinent Medications

Zoloft, ambien, clonidine, thorazine, benadryl

Significant Lab Data

9/3/05 albumin 4.5, H/H 14.0/41.9

**NUTRITIONAL ASSESSMENT**

This 20 yo WM appears thin. He reports always being thin, however, has an additional drastic wt loss from heroine use and multiple detox. He reports being vegetarian as he does not eat meat, poultry or fish. He denies GI distress, or difficulty chewing/swallowing. His serum albumin level of 4.5 suggests adequate visceral protein stores. Due to recent wt loss pt presents at nutritional risk.

Estimated Needs For Repletion/Gain

Based on: 35 kcal/kg

Calories: 1988 kcal/day

Protein: 45-57 g

Fluid: 1704 cc

Current diet meets needs

Nutrition Status Classification (NSC) II: Mildly Compromised

**NUTRITION CARE PLAN**

Continue current diet

Will monitor po intake, wt, labs

Modify menu to exclude meat, fish and poultry.

Provide gingerale BID for additional fluids.

Encourage attendance to weekly nutrition group.

Nutrition counseling is Warranted

Will provide counseling on basic nutrition for general health.

**UPDATES**

Debbie Rosenberg MS RD

09/04/2005